

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections present in the outstanding Office Action in light of the foregoing amendments and the following remarks.

This submission is made in response to the Non-Final Office Action dated April 14, 2008. Claims 1-41 are currently pending for examination, of which, claims 1, 21, and 41 are independent claims; the remaining claims are dependent claims. Claims 1-41 stand rejected. In response, Applicants have filed herewith this Amendment, amending independent claims 1, 21, and 41, cancelling dependent claims 6, 9, 26, and 29, and adding new dependent claims 42, 43, and 44. The Examiner is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the foregoing amendments and following remarks.

On Tuesday, June 17, 2008, Applicants' representatives conducted a telephone interview with the Examiner Qing Chen and Primary Examiner Ted Vo during which the differences between the present invention and the applied art were discussed. While no agreement was reach regarding the claims, the Examiners agreed they would telephone the undersigned prior to issuing a further action if the claims as presented herein were not immediately allowable.

It should be noted amendments made herein are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution, and

that Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Rejection of claims under 35 U.S.C. § 103(a):

Claims 1, 2, 4-8, 11, 16-22, 24-28, 31, and 36-41 stand rejected under 35 USC § 103(a) as obvious over U.S. Patent No. 5,721,824 to Taylor (hereinafter “Taylor”) in view of U.S. Patent No. 6,675,382 to Foster (hereinafter “Foster”); Claims 3, 9, 10, 23, 29 and 30 stand rejected under 35 USC § 103(a) as obvious over Taylor in view of Foster and further in view of U.S. Patent No. 6,952,825 to Cockx et al. (hereinafter “Cockx”); Claims 12-15 and 32-35 stand rejected under 35 USC § 103(a) as obvious over Taylor in view of Foster, and further in view of U.S. Patent No. 6,345,294 to O'Toole et al. (hereinafter “O'Toole”). Reconsideration and withdrawal of these rejections are hereby respectfully requested.

The previously submitted remarks regarding the Taylor, Cockx, and O'Toole references remain applicable and are therefore incorporated herein for the sake of brevity. Applicants respectfully submit that neither Taylor nor Cockx nor O'Toole nor Foster teaches the subject matter of claims 1, 21, and 41, as amended. Moreover the newly amended claims make it clear that the references do not teach all of the claim limitations. Therefore, at least for this reason, Taylor, either alone or in any combination with the

other art of record, does not teach all of the limitations of the independent claims.

Applicants respectfully request reconsideration and withdrawal of these rejections.

While Applicants respectfully maintain their disagreement with the rejections, solely in an effort to facilitate expeditious prosecution of the instant application, Applicants have amended the independent claims to further clarify *inter alia*,

A method of *automatically* determining an allowable order of changes in a distributed system, the method comprising the steps of: *receiving a request for change; wherein the request for change describes a task to be done on at least one target system, and a deadline by which a change needs to be completed*; determining existing relationship descriptions between components of the distributed system, wherein the components of the distributed system are implemented on a plurality of managed resources; transforming acquired relationships into ordered tasks that are linked by temporal ordering constraints *which describe when tasks can begin in relation to one another, wherein the temporal ordering constraints are selected from the group consisting of: Finish-to-Start, Start-to-Start, Finish-to-Finish, and Start-to-Finish*; and creating an order of changes taking into account *the temporal ordering constraints, wherein creating the order of changes includes determining whether the ordered changes are conflicting and flagging such conflicts and further includes an estimate of the time required to complete a change; wherein the order of changes transitions the target system from one workable state into another workable state.*

Claim 1 (emphasis added). Independent claims 21 and 41 have been similarly rewritten.

The claims as rewritten find full support in the Specification as originally filed.

The new claim language is intended to clarify that, in stark contrast to Taylor or any other applied art, the instantly claimed invention refers to temporal ordering constraints which are implemented within the distributed system in order to efficiently schedule change management. (Specification, Page 21, Lines 18-19 – Page 22, Lines 1-13). Also the amendments are intended to further clarify that as opposed to Taylor, or any other art of record or the state of the art, the instantly claimed invention provides for determining and

flagging conflicts to facilitate and schedule change management more efficiently.

Therefore, Applicants respectfully request reconsideration and withdrawal of these rejections under 35 USC § 103.

Applicants also note that new dependent claims 42 (and corresponding system and program storage device claims 43 and 44) have been added solely in an effort to facilitate expeditious prosecution. Claim 42 provides:

The method of Claim 1, further comprising: building a Task Graph which represents each task to be completed within an overall job; constructing an Annotated Task Graph by assigning estimated durations to each task within the Task Graph; and computing a makespan for the overall job represented by the Task Graph, wherein the Annotated Task Graph is returned to an administrator.

These new claims find full support in the specification. (Specification, Page 26, Lines 1-9). These dependent claims are allowable over the art of record in their own right, in addition to their dependence from what are believed to be allowable independent claims.

Neither Foster, Cockx nor O'Toole overcome the deficiencies of Taylor as discussed above with regard to the claims as amended. The instantly claimed invention is patentable over any combination of Taylor, Foster, Cockx, and/or O'Toole. Applicants also respectfully submit that Taylor, Foster, Cockx, and O'Toole are not combinable art. Thus, the claimed invention is patentable over the combined references and the state of the art for at least the reasons discussed above (regarding Taylor). Applicants respectfully request that the Examiner withdraw the rejection of the claims as being unpatentable under § 103(a).


Request for Telephone Interview

As a reminder of the discussion in the interview conducted on June 17, 2008, in the event the Examiner does not agree the claims are immediately allowable, Applicants request the courtesy of a telephone interview before the issuance of a further action.

Conclusion

In view of the foregoing, it is respectfully submitted that Independent Claims 1, 21, and 41 are in condition for allowance. By virtue of dependence from what are believed to be allowable Independent Claims 1, 21 and 41, and in their own right, it is respectfully submitted that Claims 2-20, 22-40, and 42-44 are also presently allowable. Notice to the effect is hereby earnestly solicited. In summary, it is respectfully submitted that the instant application, including Claims 1-41, is presently in condition for allowance.

Respectfully submitted,



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